

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Angela Kirby,)	C/A No.: 4:10-1984-JFA
)	
Plaintiff,)	
v.)	ORDER
)	
Michael J. Astrue,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

This matter is before the court upon motion of the plaintiff for attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The Commissioner has responded noting that he does not oppose an award of attorney fees. Upon review of the material submitted to the court, the plaintiff's motion for attorney fees (ECF No. 39) is granted. The Commissioner has agreed to pay attorney fees in the amount of \$4,742.11 (representing 9.50 hours at \$178.75 per hour and 33.10 paralegal hours at \$89.38 per hour). The court notes that the correct calculation of the above hours and hourly rates is actually \$4,656.60, not \$4,742.11. Accordingly, the Commissioner is directed to pay attorney fees in the amount of \$4,656.60.

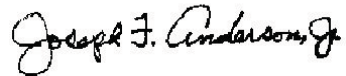
Payment of the fees and expenses noted herein shall constitute a complete release from and bar to any and all claims plaintiff may have relating to EAJA fees in connection with this action. This award is without prejudice to the right of plaintiff to seek attorney's

fees under Section 206(b) of the Social Security Act, subject to the offset provisions of the EAJA.

Further, the award of fees shall be made payable to the plaintiff, not plaintiff's counsel. *See Astrue v. Ratliff*, 130 S. Ct. 2521, 2524 (2010).

IT IS SO ORDERED.

June 13, 2012
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge